

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

Noel Hernandez,

Defendant.

Criminal No.: 04 CR 10319 WGY

DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS

JURY INSTRUCTION NO. 18

Mental Competency of Witness

Testimony and evidence has been received in this trial regarding the mental state of Francisco Navarro, at the time of trial and at the time of the events he testified to. Mental incompetence does not bar a witness from testifying. However, you must determine the credibility of Mr. Navarro's testimony in light of the evidence of Mr. Navarro's mental state at the time he testified and at the time of the events testified to.

United State v. Gonzalez-Maldonado, et. al., 115 F.3d 9 (1st Cir. 1997).

United States v. Butt, 955 F.2d 77 (1st Cir. 1992).

United States v. Hyson, et. al., 721 F.2d 856 (1st Cir. 1983).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 20th day of July, 2005, a copy of the foregoing DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS was served electronically upon Nancy Rue, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Suite 9200, Boston, MA 02210 and David G. Tobin, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Suite 9200, Boston, MA 02210.



Peter Charles Horstmann, Esquire